

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT J. ALEXANDER,

Plaintiff,

v.

CALIFORNIA PRISON ADVOCACY  
PROJECT, et al.,

Defendants.

No. C 08-2727 MMC (PR)

**ORDER DIRECTING PLAINTIFF  
TO FILE COMPLETED IN FORMA  
PAUPERIS APPLICATION OR  
PROVIDE COURT WITH SWORN  
DECLARATION AS TO WHY HE IS  
UNABLE TO DO SO**

On May 30, 2008, plaintiff, a California prisoner incarcerated at the Santa Rita County Jail, and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. That same date, the Court notified plaintiff in writing that the action was deficient due to plaintiff's failure to pay the requisite filing fee or, instead, to submit a completed court-approved in forma pauperis ("IFP") application. In said notice, plaintiff was advised that his failure to pay the filing fee or, alternatively, to file a completed IFP application, within thirty days, would result in dismissal of the action. Along with said notice, plaintiff was sent a copy of the Court's IFP application, instructions for completing it, and a return envelope.

On June 9, 2008, plaintiff filed an IFP application; such application is deficient, however, because it does not include (1) a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer of the institution, and (2) a trust account statement showing transactions for the last six months. The instructions for completing the IFP application make clear that such documentation must be included with the application. Here, plaintiff does not provide an explanation as to why the documentation has not been

1 included; the Court takes judicial notice, however, that in a separate action filed by plaintiff  
2 on June 17, 2008, Alexander v. State of California, et al., No. C 08-2987 MMC (PR), in  
3 which action plaintiff also has filed a deficient IFP application, plaintiff states he has been  
4 incarcerated for less than six months and Santa Rita County Jail officials will not process his  
5 IFP application for him.

6 Good cause appearing, the Court will grant plaintiff one further opportunity to file a  
7 completed IFP application that includes a Certificate of Funds in Prisoner's Account  
8 completed and signed by an authorized officer of the institution, and a prisoner trust account  
9 statement showing transactions either for the last six months or, if plaintiff has been  
10 incarcerated for less than six months, for as long as he has been incarcerated.


11 Alternatively, if plaintiff contends he is unable to complete the IFP application  
12 because of non-compliance by jail officials, he must provide the Court with a sworn  
13 declaration made under penalty of perjury, documenting what efforts he has undertaken to  
14 obtain the requisite documentation, including the names of the jail officials that refused to  
15 obtain such documentation for him.

16 Plaintiff must file the completed IFP application or sworn declaration within **twenty**  
17 **(20)** days of the date this order is filed. The failure to do so will result in the dismissal of this  
18 action without prejudice.

19 The Clerk is directed to provide plaintiff with a blank copy of the Court's prisoner IFP  
20 application, instructions for completing it, and a return envelope.

21 IT IS SO ORDERED.

22 DATED: July 17, 2008

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24 MAKINE M. CHESNEY  
25 United States District Judge  
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